

<b>Notice to Comply</b>	Application No. <i>10/526,572</i>	Applicant(s)	
	Examiner J. Eric Angell	Art Unit 1635	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: *see attached "Detailed Action"*

**Applicant Must Provide:**

- ☒ An initial or **substitute** computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or **substitute** paper copy of the "Sequence Listing", as well as an amendment directing its entry into the **specification**.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

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**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

*f Figure 1  
necessitates  
new Sequence  
Listing these are  
required. If not,  
these are not  
required*



PATENT  
930008-2197

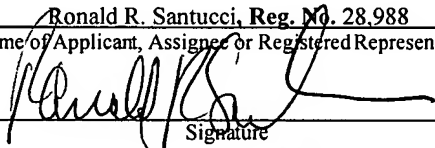
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Gerhard Hoefle et al.  
Serial No. : 10/526,572  
For : TUBULYSIN BIOSYNTHESIS GENE  
Filed : October 11, 2005  
Examiner : Jon E. Angell  
Art Unit : 1635  
Confirmation No. : 5809

745 Fifth Avenue  
New York, NY 10151

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop 313(c), Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 31, 2008.

Ronald R. Santucci, Reg. No. 28,988  
(Name of Applicant, Assignee or Registered Representative)



Signature

January 31, 2008

Date of Signature

**TRANSMITTAL OF REPLACEMENT DRAWING SHEETS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450


Dear Sir:

In response to the Notice to Comply of Nonprovisional Application mailed January 8, 2008 for the above referenced patent application, Applicants enclose replacement drawing sheets for this application. Forty-five (45) sheets of drawings comprising of Figure 1 are enclosed.

The Commissioner may charge any additional fee that may be required to Deposit  
Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read 'Ronald R. Santucci', written over a horizontal line.

Ronald R. Santucci  
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